

Serial No.: 10/635,126
Atty. Dkt.: ZM466/03003
Title: Electrical Rough-In Box
For Low Voltage Transformer

REMARKS

Reconsideration of the above referenced application is hereby requested. Claims 1-6 and 13 -14 are pending in the present application. Claims 7-12 are canceled. Claim 14 is newly added.

35 USC § 112 Claim Rejections

The Examiner has rejected Claims 1-6 under 35 USC § 112, second paragraph. Applicant's Attorney has amended both the claims and the specification to correct the deficiencies noted by the Examiner. Applicant's Attorney feels that with these amendments, the noted objections to the claims and the specification should be removed.

35 USC § 103 Claim Rejections

The Examiner has rejected all claims apart from Claim 2 under 35 USC § 103(a) as being unpatentable over Sullivan (U.S. Patent No. 6,520,363) in view of English (U.S. Patent No. 6,395,979). Applicant's Attorney respectfully traverses the Examiner under this new ground of rejection.

In the rejections noted by the Examiner, the Examiner has admitted significant structure which is not taught or suggested in the Sullivan reference.

Sullivan discloses a press-fitted temporary full cover shield for a utility box designed to allow drywall to be cut from around the shield by a cutting drill. Sullivan teaches a standard electrical utility box 20 with a temporary metal full-faced cover or shield 46. The full faced temporary shield is shaped as a tray to cover the opening of the outlet box and is designed to temporarily but effectively completely cover the front opening of the outlet receptacle. The shield is pressed into the front opening of the outlet receptacle and held there by catches and is to be *pried from the receptacle after use* by a screwdriver. In use, the shield is presented such that a cutting drill may be utilized to cut an opening in the drywall 67, depicted in Figure 8, such that the cutting drill comes into contact with the flat base section 50 of the shield and the side sections 52 after which the shield may be pried away from the perimeter of the outlet box. Sullivan merely discloses a temporary shield or cover for a standard outlet box. Sullivan does not disclose, as admitted by the Examiner, a rough-in box which has a cover forming a low voltage

Serial No.: 10/635,126
Atty. Dkt.: ZM466/03003
Title: Electrical Rough-In Box
For Low Voltage Transformer

wiring area and an enclosed high voltage wiring area, the cover having an aperture for receiving a transformer and allowing the transformer to have a secondary side extending through the aperture into the low voltage wiring area. In fact, Sullivan teaches directly against the applicability of the cover disclosed herein and is particularly designed to be a full shield or cover without an aperture. There is no opening or aperture in the temporary cover of the Sullivan device as the Sullivan device is designed specifically to shield and fully enclose for protection purposes the interior of the outlet box. The shield is designed to effectively cover the front opening of the outlet and is not designed to be a permanent receptacle face plate which receives a transformer. To suggest modification of the Sullivan device for inclusion of a transformer into a temporary full faced shield is directly against the purpose of the Sullivan disclosure while additionally ignoring the fact that Sullivan does not teach any type of cover having an opening as has been suggested by the Examiner (See rejection, page 5, line 4) nor any type of electrical components at all.

English does not aid in this significant lack of teaching of Sullivan as English, previously discussed with the Examiner, merely discloses an open ended transformer box for mounting a transformer. No cover in the English transformer box is provided nor is there suggested a cover having an opening for exposing the secondary end of a low voltage transformer while fully enclosing the high voltage wiring area and primary end of the transformer within an enclosed space of an electrical rough-in box. As these structures admitted by the Examiner as not present in the prior art are not suggested in either reference, Applicant's Attorney feels that the present combination of Sullivan and English fails to teach or suggest significant portions of the claimed present inventive electrical rough-in box.

Neither reference presently cited by the Examiner discloses or suggests alone or in combination an electrical rough-in box having a removable cover with an aperture, the removable cover having an opening therethrough forming an enclosed high voltage area and forming a low voltage wiring area while allowing a low voltage transformer to extend through the aperture of the removable cover. Further, none of the references relied upon by the Examiner teach any type of removable cover having an aperture for mounting or exposing an end of low voltage transformer, the elements of which are stated

Serial No.: 10/635,126
Atty. Dkt.: ZM466/03003
Title: Electrical Rough-In Box
For Low Voltage Transformer

in the pending claims. As these teachings are not found in any of the references cited by the Examiner, it is felt that the present combination and rejection under 35 USC § 103(a) is inappropriate and Applicant's Attorney respectfully requests the Examiner allow said claims.

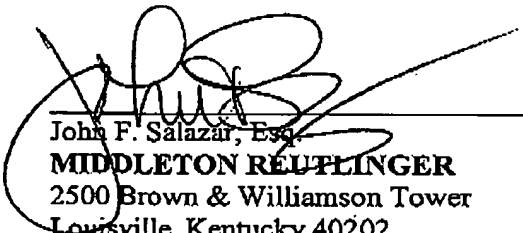
The presently claimed inventive low voltage transformer box forms among other things a high voltage wiring section containing the primary end of a low voltage transformer and allowing the low voltage transformer to extend through a cover mounted to the open end of the rough-in box as claimed. The design of the cover allows for exposing the secondary end within a recessed area of the outlet box to form a low voltage wiring area. None of the references relied upon by the Examiner teach such a construction and as such, the claimed structure is felt to be allowable over the cited references.

Allowable Subject Matter

Applicant's Attorney appreciates the Examiner's indication of allowable subject matter in Claim 2. However, for the reason stated herein, Applicant's Attorney feels that the remaining claims are allowable over the cited references. Applicant's Attorney therefore would appreciate issuance of a notice of allowance for these claims. If the Examiner feels that additional discussions are necessary prior to issuing such a notice of allowance, Applicant's Attorney would appreciate a collect call to discuss such matters.

Respectfully submitted,

Date: February 18, 2005



John F. Salazar, Esq.
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
(502) 584-1135 phone, (502) 561-0442 fax
email: jsalazar@middreut.com